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IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 1013

LOUIS J. SCHWARTZ,

Petitioner,

v.

RUBENIA TANNER,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. ————

LOUIS J. SCHWARTZ,

Petitioner,

v.

RUBENIA TANNER,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

Petitioner prays that a Writ of Certiorari issue to review the judgement and orders of the Supreme Court of Ohio entered in case No. 38910 of that court, entitled *Rubenia Tanner, Complainant Appellee* v. *Louis J. Schwartz, Defendant-Appellant.* On Oct. 14, 1964 a timely Motion for Rehearing was filed which was denied on November 23, 1964.

OPINIONS BELOW

The judgement and order of the Common Pleas Court of Hamilton County, Ohio of March 19, 1964 in Case No. J.D.10204 of that court is set out in Appendix A to this Petition at page 11 same is unreported.

The judgement dismissing Petitioners Appeal to the Court of Appeals for the First Judicial District, Hamilton

County, Ohio in Case No. 9480 of said Court is set out in Appendix B to this Petition at page . . same is unreported.

The judgement and orders of the Supreme Court of Ohio in Case No. 38910 of said Court is set out in Appendices C and D to this Petition. Said Court's order dismissing Petitioner's Appeal is reported at 177 Ohio St. 60 and in Ohio Bar No. XXXVII of Nov. 23, 1964.

JURISDICTION

The judgement and orders of the Supreme Court of Ohio were entered on Oct. 14, 1964, a timely Motion for Rehearing was filed and denied November 23, 1964. The jurisdiction of this Court is invoked under 28 U.S.C. 1257 (3) since rights specially claimed under the Constitution of the United States and State of Ohio are drawn into question.

QUESTIONS PRESENTED

Where a Defendant having raised a personal objection as well as an objection being made by his attorney, in a bastardy action, as on Cross-Examination on reliance of his constitutional rights as provided for by the Fifth Amendment to the Constitution of the United States and Section Ten, Article 1, of the Ohio Constitution, may a Defendant be forced to testify so as to incriminate himself.

Where Petitioner was not afforded a trial before an impartial jury as provided for by the Sixth Amendment to the Constitution of the United States. It should be noted that this applies to both criminal and civil causes. Does not an arbitrary refusal to remand such cause for appropriate disposition become a violation of the constitutional rights of the offended party?

Where the Petitioner was not afforded due process of law or equal protection of the law as proved by the Fourteenth Amendment to the Constitution of the United States, does not a perfunctory dismissal raise a most substantial constitutional question?

STATUTES AND CONSTITUTIONAL PROVISIONS INVOLVED

Fifth Amendment to the Constitution of the United States, in part.

Sixth Amendment to the Constitution of the United States, in part.

Fourteenth Amendment to the Constitution of the United States. Section 1.

Section 2905.08. Ohio Reviewal Code. Section Ten. Article 1 Ohio Constitution. Section 3111.01 Ohio Revised Code. Section 3111.08 Ohio Revised Code.

STATEMENT OF THE CASE

Respondent secured the issuance of a warrant in the Juvenile Division of the Court of Common Pleas of Hamilton County, Ohio, alleging the Petitioner to be the father of her child born on or about May 20, 1961. To this charge the Defendant pleaded not guilty.

The case was then tried by a jury which found in favor of the Respondent and final judgement was entered thereon.

Thereupon, Defendant filed a motion for a new trial, and the trial court, after considering said motion on oral arguments of counsel, and affidavits filed, overruled the same.

Thereupon, Defendant-Appellant filed a Notice of Appeal in the Court of Appeals for Hamilton County, Ohio, and said Court, after oral argument and the submission of briefs on May 4, 1964, handed down its opinion affirming the judgement of the trial court. On May 11, 1964, judgement of affirmance was entered in the Court of Appeals for Hamilton County, Ohio. (See Appendix B.)

Thereafter, on May 29, 1964, Petitioner filed his Notice of Appeal as of right and thereafter filed a motion to certify the record to the Supreme Court of Ohio (see Ap-

pendix F) and said Court after argument and submission of briefs dismissed the appeal of right and denied the Motion to Certify the Record, whereupon Petitioner filed a motion in the said Supreme Court of Ohio for a rehearing which was denied and on November 23, 1964 a mandate was issued to the Common Pleas Court of Hamilton County, Ohio ordering the following judgement in part in this cause into execution: "Dismissed for the reason that no substantial constitutional question exists herein (see Appendix C).

THE SUBSTANTIAL CONSTITUTIONAL QUESTIONS INVOLVED IN THE ISSUE

The trial court by refusing to give a directed verdict for the Petitioner herein and likewise overruling the motion for a new trial deprived the Petitioner of his constitutional rights as guaranteed by the Fifth Amendment to the Constitution of the United States and Section Ten Article One of the Ohio Constitution due to the fact he had objected previously to testifying as on Cross-Examination. Petitioners constitutional rights were further ignored as it was evident that one of the jurors was prejudiced and had made statements to the effect that the Petitioner was guilty, and made other inflammatory statements (see Appendices H and I). This is violation of the Petitioners rights as granted by the Sixth Amendment to the Constitution of the United States. He was further denied equal protection and due process of the law as guaranteed by the Fourteenth Amendment of the United States

These same rights were completely ignored by the Court of Appeals, First Appellate District of Ohio when the constitutional question was squarely placed before it both by oral argument and by brief, pointing out at page 21 in said brief that in *Schneider* v. *State, ex rel.* Shorf 33 O.App. 125, 168 N.E. 568, states: In a bastardy pro-

ceeding it was reversible error to permit the Defendant to be called by counsel for complainant and over his objection compelled to testify against himself. The Court in its opinion discusses the civil and criminal aspects of bastardy cases and points out that Section 10, Article 1 of the Ohio Constitution prohibits testimony in such matter.

The Supreme Court of Ohio without hearing the merits of Petitioner's case overruled the Motion to Certify the Record and dismissed the appeal as of right, saying in part "On consideration thereof, such appeal is dismissed for the reason that no substantial constitutional question exists herein (see Appendix C).

REASONS FOR GRANTING THE WRIT

In their judgement of affirmance of the verdict rendered by the Common Pleas Court of Hamilton County, Ohio, the Court of Appeals for Hamilton County, Ohio, and the refusal of the Supreme Court of Ohio to certify the record violated the Petitioner's constitutional rights in at least three instances.

The law of Ohio is not clear on whether or not a bastardy action is a civil or criminal action, but many cases including *Schneider* v. *State, ex rel.*, Shorf 33 Ohio App. 125, have held it is a violation of a defendant's constitutional rights to be compelled to testify against himself, other cases have held that a defendant may waive that privilege and that such privilege must be personally claimed, which was done in this instant case. This is shown by the record at pages 97 and 98 after the Defendant Louis J. Schwartz was called as witness for the complainant. The record shows Mr. Haney, attorney for Petitioner, said "Let the record show I am objecting to the calling of the Defendant Louis Schwartz on Cross-Examination." The Witness (Schwartz): "Mr. Tobias, it is my understanding that I have to put a personal objection in the record as well as

the one made by my attorney, *which I am making.* (Emphasis added.) The Court: "He's going to testify. *I tell you he is going to testify* (emphasis added), but he may object to testifying. He's not refusing to testify." Mr. Fobias (counsel for complainant-respondent): "Yes, but he is objecting." The Court: "He is registering an objection. There is reason Quasi Criminal case and he has got it in the record. He has noted his objection and if this Court is wrong, there are three men on the fifth floor who will tell me I'm wrong."

We contend there is no reported case of an appellate or Supreme Court decision in Ohio whereby, when a defendant makes a personal objection in a bastardy action that he be required to testify. Other cases state that he may waive this privilege and others state that he, the defendant, must make a personal objection.

In the instant case the Defendant was asked by counsel for the Respondent herein "If he had ever been intimate with the Complainant," the defendant being under oath and a jurist himself testified that he had.

Whether or not a bastardy proceeding in Ohio is a criminal or civil action, although it seems to be more criminal than civil, it is clear that a witness in a civil or criminal case cannot be required to give testimony which will tend to incriminate him and this immunity is referable to the constitutional guaranty against self-incrimination. If it is contended that the Petitioner herein being forced to answer the question as to whether or he had been intimate with the Respondent would have been subject to arrest by the laws of the State of Ohio, under Section 2905.08 Ohio Revised Code which reads "No person shall cohabit in a state of adultery or fornication. Whoever violates this section shall be fined not more than two hundred dollars and imprisoned not more than three months.

This fact alone would have made the forced testimony of the Petitioner self-incriminating. The fact that Section 3111.01 (see Appendix K), permits the accused to be arrested and the fact that Section 3111.08 (see Appendix L) requires that the accused give bond in the sum of not less than three hundred dollars nor more than one thousand dollars and if he is unable or unwilling to do so to be committed to the jail of the county, there to be held to answer the complaint. Is this not a criminal action? Where in any civil case in any jurisdiction is a defendant subject to arrest and be confined to jail if he is unable to produce the proper bond?

As was stated by Judge Charles McNamee in *United States* v. *DeCarlo*, U.S. District Court N.D. Ohio E.D. 20299, far better than we could state we quote: "The appliable rule in this case hereby stated is that in Ohio as to self-incrimination, appears to rest on the determination of the witness himself.

Indeed the historic trial of Aaron Burr, Fed. Case, pp. 38, 40, No. 14, 692 in which Chief Justice Marshall said:

> "It is the province of the court to judge whether any direct answer to the question which may be proposed will furnish evidence against the witness. If such answer may disclose a fact which forms a necessary and essential link in the chain of testimony, which would be sufficient to convict him of any crime, he is not bound to answer it so as to furnish matter for that conviction. In such a case the witness must himself judge what his answer will be; and if he says on oath that he cannot answer without accusing himself, he cannot be compelled to answer."

The Supreme Court of the United States in *Slagle* v. *State*, 366 U.S. 259 decided May 15, 1961 stated: "A person summoned to testify before any adjudicatory or investigatory body, including a legislative investigatory commit-

tee may object to any question put to him upon any available ground however tenuous."

Can it not be said in the instant case the Petitioner's civil rights guaranteed by the Constitution of both the State of Ohio and the United States were not violated.

It is fundamental to our judicial process that when one comes to trial before a jury that he receives a fair trial by an impartial jury. This is guaranteed by the Sixth Amendment to the Constitution of the United States in a criminal case. It is likewise true of a civil case.

It is quite evident that the Petitioner did not have a fair trial before an impartial jury. The statement made by one of the jurors made on May 18, 1963 (see Appendices H and I), indicated that she was not impartial. It must be understood that this statement was made before the Petitioner had an opportunity to present his case and after he was forced to testify over his objections, and was forced to testify that he had been intimate with the Respondent. Is this what our Constitution guarantees us?

The record indicates that the trial of this case was replete with error (see Motion for New Trial, Appendix J and Assignment of Error to Court of Appeals, Appendix G). Had Petitioner been anyone other than he was, any trial judge would have directed a verdict in his favor, and any Court of Appeals, disregarding the constitutional questions involved, would have remanded the case for a directed verdict or in any event ordered a new trial. Should the Petitioner, because he is a lawyer and judge have any less due process of law than any other citizen of Ohio or the United States? It is believed that the decisions in this case to date have been the most contrary to constitutional and substansive law of any case in the State of Ohio.

It is unfortunate and regrettable that the Petitioner has had to petition this court in a Writ of Certiorari, and that another judge by the same name, in fact the Judge of the

Juvenile Court in which the original warrant was filed has had to live with the attendant publicity of this case. The Petitioner feels badly about this, however, the alternative would have been to have submitted to blackmail.

The testimony of the Respondent's doctor, Doctor Arthur Backman (Transcript of record, page 120), testified that the Respondent stated her last menstrual period was July 15, 1960, which was some three weeks before Petitioner even knew Respondent.

CONCLUSION

Petitioner is a lawyer and judge and has nothing but contempt for untruth. A reading of the record including the record of the preliminary hearing, which should have been introduced into evidence but was not allowed by the trial judge indicates the Respondent does not have such high regard for the truth.

The Petitioner believes in substantial justice and that is a must in his court. Associates of counsel for Respondent would, we believe, have to agree with this.

Petitioner has been denied the constitutional rights guaranteed to him by the Constitution of the United States and the State of Ohio. Where else may he look for justice if not to the Supreme Court of the United States of America?

He is denied for all time those inalienable rights if that Court sees not fit to heed his request.

Counsel in making this plea to this sovereign Court and knowing of the finality of this Court's reply, knows of the temperament and fine qualities of Petitioner and his quest for right, and his distaste for untruth in any form. With great belief in the righteousness of his cause, Counsel hopefully brings this Petition to a close by urging that Petitioner's constitutional and civil rights be recognized and

in the furtherance of justice, that this honorable and sovereign Court should hear the substantial merits Petitioner has in this cause.

Respectfully submitted,

RICHARD D. HANEY,
900 Fountain Square Bldg.,
Cincinnati 2, Ohio,
Counsel for Petitioner.

March 15, 1965.

APPENDIX A

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
(Entered March 19, 1964.)

Juve. Ct. No. 19204

RUBENIA R. TANNER,

Plaintiff-Complainant,

v.

LOUIS J. SCHWARTZ,

Defendant.

ENTRY AND ORDER

This action having been tried before the jury and a verdict having been rendered that the Defendant is the father of Louis Eric Tanner, illegitimate child of the Plaintiff, said Defendant Louis J. Schwartz is hereby ordered to pay to the Plaintiff, Rubenia Tanner, the sum of $25.00 per week for the support and maintenance of said child until he attains the age of eighteen years old, beginning from the date of this Order, which sum the Court finds to be necessary therefor.

The Defendant is also ordered to pay the sum of Three Thousand, Eighteen ($3,018.00) Dollars, which represents the sum of $25.00 per week for support and maintenance of said child from the date of birth until the date of this Order, credit having been given for sums already paid by Defendant for said support to all of which the Defendant excepts.

/s/ FERD BADER

/s/ RICHARD D. HANEY
/s/ PAUL H. TOBIAS

APPENDIX B

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT
HAMILTON COUNTY
OHIO

No. 9480

RUBENIA TANNER,

Plaintiff-Appellee,

v.

LOUIS SCHWARTZ,

Defendant-Appellant.

JUDGMENT OF AFFIRMANCE

This cause came on for hearing upon the appeal on questions of law, assignments of error, bill of exceptions, the transcript and the original papers and pleadings from the Court of Common Pleas of Hamilton County, Ohio, and was argued by counsel, on consideration whereof the Court finds there is no error apparent on the record in said proceedings and judgment prejudicial to the Appellant.

It is, therefore, considered by the Court that the judgment of the Court of Common Pleas be, and the same is hereby affirmed, and that the Appellee recover from the Appellant, his costs herein expended, taxed at $.....

And the Court being of the opinion that there was reasonable grounds for this appeal, allow no penalty.

It is further ordered that a special mandate be sent to the Common Pleas Court of Hamilton County, Ohio, for execution upon this judgment. To all of which Appellant, by his counsel, excepts.

/s/ PAUL H. TOBIAS,
PAUL H. TOBIAS, ESQ.,
Attorney for Plaintiff-Appellee,

RICHARD HANEY, ESQ.,
Attorney for Defendant-Appellant.

APPENDIX C

THE SUPREME COURT OF THE STATE OF OHIO

1964 TERM

No. 38910

THE STATE OF OHIO }
City of Columbus. }

To wit: Wednesday, October 14, 1964

RUBENIA TANNER,

Appellee,

v.

LOUIS J. SCHWARTZ,

Appellant.

APPEAL FROM THE COURT OF APPEALS FOR HAMILTON COUNTY

Mandate

To the Honorable Court of Common Pleas within and for the County of Hamilton, Ohio, Greetings:

The Supreme Court of Ohio commands you to proceed without delay to carry the following judgment in this cause into execution.

Dismissed for the reason that no substantial constitutional question exists herein.

APPENDIX D

MOTION FOR AN ORDER DIRECTING THE COURT OF APPEALS FOR HAMILTON COUNTY TO CERTIFY ITS RECORD.

It is ordered by the Court that this motion is overruled.

COSTS:

Motion Fee, $20.00 paid by Richard D. Haney.

I, Thomas L. Startzman, Clerk of the Supreme Court of Ohio, certify that the foregoing entry was correctly copied from the Journal of this Court.

Witness my hand and the seal of the Court this 14th day of October, 1964.

_____

Clerk

_____

Deputy

APPENDIX E

REHEARING

It is ordered by the Court that rehearing in this case is denied.

I, THOMAS L. STARTZMAN, Clerk of the Supreme Court of the State of Ohio, do hereby certify that the foregoing entry was correctly copied from the records of said Court, to wit, from Journal No. ....., Page .....

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Supreme Court this 23rd day of Nov. 1963.

_____

Clerk

By_____

Deputy

APPENDIX F

MOTION TO CERTIFY RECORD

Now comes Louis J. Schwartz, Defendant-Appellant, and moves the Court for an order directing the Court of Appeals to certify the record in this cause, for the reasons set forth in the Brief accompanying this Motion.

/s/ RICHARD D. HANEY,
RICHARD D. HANEY,
Attorney for Defendant-Appellant,
900 Fountain Square Bldg.,
Cincinnati 2, Ohio.

Service of the above Motion to Certify Record is hereby acknowledged this ..... day of ....., 1964.

PAUL H. TOBIAS,
Attorney for Plaintiff-Appellee,
911 First National Bank Bldg.,
Cincinnati 2, Ohio.

APPENDIX G

II. ASSIGNMENTS OF ERROR ON BEHALF OF DEFENDANT-APPELLANT

A. As a matter of law, the Court erred in overruling Defendant's motion for new trial.

B. The Court erred in sustaining an objection to testimony by a witness for the Defendant, when in fact no objection was made by counsel for the Complainant.

C. Misconduct by counsel for the Complainant, in that he made material misstatements of facts in representations to the jury in his closing argument.

D. Misconduct of the jury in that the case was publicly discussed by a juror and statements made indicating that the juror had arrived at a decision before the Defendant had put on any evidence.

E. The verdict is not sustained by the weight of the evidence and is contrary to law in that:

1. There was no proof that the Complainant was a single person at the time of conception of her child nor at the birth thereof.

2. There was no documentary evidence introduced that Complainant had divorced her husband.

F. Error of law properly excepted to by Defendant at the time of trial in that:

1. The trial Court erred in refusing to admit for the consideration of the jury the original transcript of the preliminary hearing in this cause when offered by the Defendant.

2. The trial Court erred in refusing to admit an anonymous letter showing that the Defendant was being subjected to blackmail.

3. The trial Court erred in permitting evidence as to payments made by Defendant to Complainant, which payments were in the nature of an offer in compromise.

4. The trial Court erred in requiring the Defendant to testify as on cross examination when an objection was made by the Defendant.

5. The trial Court erred in permitting medical evidence having no bearing on the case as to the average time of conception.

APPENDIX H

AFFIDAVIT

STATE OF OHIO }
COUNTY OF CLERMONT } ss.

I, James Holcomb, being first duly cautioned and sworn depose and say, that I am the owner of the Gateway Inn, located on State Route No. 50, in Clermont County, Ohio, and that on May 18, 1963, in the afternoon Mrs. Mary Patterson in the company of her husband, stated, that We are going to hang a dam Clermont County, judge. She did not mention by name the judge but she stated that he lived in Amelia. Mrs. Patterson stated further that he is guilty and we are going to find him guilty. Mrs. Patterson further stated we are trying him on a paternity case or bastardy case.

Affiant further states that there were about fifteen to twenty people in the cafe at the time Mrs. Patterson made these statements. Affiant further states that Mrs. Patterson talked about this subject between five and ten minutes. Mrs. Patterson further stated that she was on a jury in Cincinnati or Hamilton County, hearing this case.

Affiant further states that these statements made by Mrs. Patterson were not made directly to him but that he overheard them. Further affiant saith not.

/s/ JAMES A. HOLCOMB
JAMES A. HOLCOMB

Sworn to before me and subscribed in my presence this 19th day of June 1963.

/s/ STEPHEN A. DURKEE,
STEPHEN A. DURKEE,
Comm. Exp. 9/11/62
Notary Public,
State of Ohio.

APPENDIX I

AFFIDAVIT

STATE OF OHIO }
COUNTY OF CLERMONT } ss.

I, Leroy Hartmetz, being first duly cautioned and sworn depose and say, that I, was in the Gateway Inn, which is located on State Route 50, in Clermont County, and the State of Ohio, on Saturday, May 18, 1963 in the afternoon, and I heard some lady appearing to be an elderly lady stated before several people that she was on a jury in Cincinnati that was hearing a case against a Clermont County Judge, and that this juror said they were going to throw the book at him. Affiant further says that he has heard that this woman was a realtor and that her husband works at the Post office.

/s/ LEROY HARTMETZ
LEROY HARTMETZ

Sworn to before me and subscribed in my presence this 19th day of June, 1963.

/s/ LOUIS J. SCHWARTZ,
LOUIS J. SCHWARTZ,
Notary Public,
State of Ohio,
Life Commission.

APPENDIX J

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

No. 10204

RUBENIA TANNER,

Complainant-Plaintiff,

v.

LOUIS J. SCHWARTZ,

Defendant.

MOTION FOR NEW TRIAL

Now comes the defendant by and through his Attorney and respectfully moves the Court for a new trial in this Cause for the following reasons.

1. Irregularity in the proceedings in that the court sustained an objection to testimony by a witness for the defendant, when in fact no such objection was made by counsel for the complainant.

2. That there was misconduct by Counsel for the complainant, in that he made material mis-statement of fact and representations to the Jury in his closing argument.

3. That there was misconduct of the jury in that the case was publicly discussed by a juror and statements made indicating that the juror had arrived at a decision

before the defendant had ever had a chance to put on his evidence.

4. That the verdict is not sustained by the weight of the evidence and is contrary to law in that:

A. There was no proof that the complainant was a single person at the time of conception of her child.

B. That there was no proof that the complainant had ever divorced her former husband.

5. That there was error of law properly excepted to by defendant at the time of trial in that:

A. The court erred in refusing to admit for the consideration of the jury, the original transcript of the preliminary hearing in this cause when offered by the defendant.

B. The court erred in refusing to admit an anonymous letter showing that the defendant was being subjected to blackmail.

C. The court erred in permitting evidence as to payments made by defendant to the complainant, which was in the form of a compromise.

D. The court erred in requiring the defendant to testify as on cross-examination when a personal objection was made by the defendant.

E. The court erred in permitting medical evidence that had no bearing on this case as to the average time of conception.

/s/ RICHARD D. HANEY,
RICHARD D. HANEY,
Attorney for Defendant.

APPENDIX K

3111.01 (8006-1). COMPLAINT. (Ohio Revised Code)

When an unmarried woman, who has been delivered of, or is pregnant with, a bastard child, makes a complaint in writing, under oath, before a justice of the peace or in juvenile court, charging a person with being the father of such child, the judge or justice shall issue his warrant, directed to any sheriff, police officer, or constable commanding him to pursue and arrest such accused person in any county and to bring him forthwith before such judge or justice to answer such complaint.

APPENDIX L

3111.08 (8006-8). JURISDICTION; BOND. (Ohio Revised Code)

If no compromise is effected as provided in section 3111.07 of the Revised Code, and the complaint has been filed in the juvenile court, the juvenile judge shall fix the time of the trial, and in such cases the court shall have jurisdiction to hear fully and determine such matter. The judge shall require the accused to furnish bail for his appearance in an amount not less than three hundred nor more than one thousand dollars, and with such security as the judge approves. If the complaint has been filed before a justice of the peace, the justice shall bind the accused to appear before the juvenile court or at the next term of the court of common pleas in a recognizance to the state, with sufficient surety, in not less than three hundred nor more than one thousand dollars, to answer the accusation, and abide the order of the court. On neglect or refusal to find such security, the justice or judge shall cause the accused to be

committed to the jail of the county, there to be held to answer the complaint.

In juvenile courts separately and independently created the judge may, unless trial by jury is waived, bind the accused to appear before the next term of the court of common pleas in the same manner as provided when the case has been filed with a justice of the peace.

APPENDIX M

FIFTH AMENDMENT TO CONSTITUTION OF THE UNITED STATES (in part)

. . . nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. Nor shall private property be taken for public use, without just compensation.

APPENDIX N

SIXTH AMENDMENT TO CONSTITUTION OF THE UNITED STATES

In all criminal proceedings should enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law and to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witness in his favor and to have the assistance of counsel for his defense.

APPENDIX O

FOURTEENTH AMENDMENT TO CONSTITUTION OF THE UNITED STATES

SECTION 1. All persons born as naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX P

SECTION 10, ARTICLE 1, OHIO CONSTITUTION

(in part)

No person shall be compelled, in any criminal case, to be a witness against himself.